Development Management – Delegated Officer Report

Application Number: AWDM/1921/22 Recommendation: Refuse

Site: 73 - 75 North Road, Lancing

Proposal: First floor rear extension (to provide additional space for approved first floor rear flat)

Date of Site Visit: 13 June 2022

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

The application relates to a two storey, flat roofed vacant building which was previously occupied by Nationwide Building Society (Use Class E). It has a flat roofed ground floor extension at the rear.

The site is within the primary shopping frontage where there is a mix of commercial and residential uses at ground and upper floor levels. Immediately to the rear there is a car repair garage which abuts a narrow passageway which runs between the sites.

The application seeks permission for a first floor rear extension over the ground floor rear extension in connection with the conversion of the first floor into two flats. The extension is shown as being 3.5m deep.

Planning History:

NOTICE/0013/22 - Application for permitted development for prior approval for change of use from Commercial, Business and Service (Use Class E) on ground floor at rear of the property to 1no. two person one bedroom flat (Use Class C3) – refused

NOTICE/0014/22 - Application for permitted development for prior approval for change of use from offices (Use Class E) at first floor to 2no. one person one bedroom flats (Use Class C3) – refused

NOTICE/0018/22 - Application for permitted development for prior approval for change of use from Use Class E at first floor to 2no. one bedroom flats (Use Class C3) - approved

AWDM/0922/22 - First floor rear extension and conversion of first floor into two one bedroom (two person) self contained flats together with internal and external alterations - refused

NOTICE/0033/22 - Application for permitted development for prior approval for change of use from Commercial, Business and Service (Use Class E) on ground floor to 2no. one person studio flats (Use Class C3) - refused

Consultations:

West Sussex County Council: The Highway Authority The proposed works are not anticipated to give rise to a material intensification of movements to or from the site. The plans also demonstrate the inclusion of a cycle stand, with provision for three cycles. The proposed cycle parking provision will bring the site in line with WSCC Parking Standards and will promote the use of sustainable travel methods. In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Adur & Worthing Councils: Technical Services: Flood risk- The application is within flood zone 1, but has areas in the vicinity shown to be at risk from surface water flooding. The proposals are for first floor changes, we therefore have no objections to the proposals.
Surface water drainage- the application includes no/minor increase in impermeable area. Due to the scale and location of development we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations

EHO (Public Health): No comments received to this application. Previous comments**:** Internal noise With this specific proposal, commercial uses (of planning use Class E) will remain below the proposed residential dwelling. This planning use class allows a large range of potential uses to occupy these commercial units without the need for planning approval. To protect residential amenity and help future proof this development I would recommend a condition to protect the development from noise from the commercial unit above and adjacent
External noise
It is noted that there is a car repair garage to the rear of this site, I have concerns about noise from this use could negatively affecting amenity. It is noted that the garage has windows along the eastern facade, which directly face the proposed residential units on all three applications for 73 - 75 North Rd. As the glazing will allow greater levels of noise to escape from the garage than a solid wall, I believe it would be appropriate to request a noise assessment for external commercial noise

prior to granting permission as the applicant may need to consider alterations to the layout etc if noise levels are too high.

Asbestos
As this application seeks to convert commercial to residential, I would recommend an informative relating to asbestos:

Contaminated Land
This site is located adjacent to land which has been identified as potentially contaminated. If any ground works are involved with this application, I would recommend a condition.

EHO (Private Sector Housing): Although the proposal provides more space, it is a worse layout which means the only access to the proposed bedroom is through the open plan living room and so it is an inner room. We would object to this proposal and ask that these comments be placed as an informative on any permission granted.

Lancing Parish Council: The council remain neutral with no objections

Southern Water: Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policy 9, 15, 27, 28, 34
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
Lancing Vision 2012
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

Principle

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the area.

Visual amenity

The proposed extension is at the rear and is flat roofed. Its design was amended during the course of the application to add a slope to the front of the extension but it remains flat roofed. Being at first floor level the flat roof will be more prominent in the street scene, even taking into consideration the fact that the existing building is flat roofed. There are clear views of the back of this building from Culver Road and, while there are some flat roofed buildings in its vicinity, it is considered that this extension would be visually harmful to the area, projecting the flat roofed form beyond the existing building and closing the gap to the garage to the rear at upper floor level.

Residential amenity

It is described as a 2 person 1 bed flat with a floor area of 52.5sqm which meets the nationally described internal space standard. The Council's Private Sector Housing team have objected saying that, although the proposal provides more space, it is a worse layout which means the only access to the proposed bedroom is through the open plan living room and so it is an inner room.

Externally there is no amenity space. However, being a town centre site, it is common for upper floor flats not to have any external space and it is considered that this is acceptable in this case. Light to the flats is considered to be acceptable. However, the extension brings the flat closer to the vehicle repair garage at the rear. A noise assessment submitted with a previous application did not find noise from the garage to be a problem. However, the Council's EHO has recently advised on the most recent application for the conversion of the ground floor to flats (which was refused) that "*noise from the garage will be sporadic and therefore any noise impact assessment should be performed over a sufficient period to capture a realistic picture of the garage activity. The current survey was only carried out over a few hours during the day at first floor level and there is no description of what activity was taking place at the garage at the time when the specific source was being assessed. The acoustician reports not hearing any noise from the garage at the time of the assessment and it is unclear what commercial activity was being assessed*." There is therefore doubt over the accuracy of the assessment and, while permission has been granted for the conversion of the first floor, it is not considered that the residential accommodation should be brought nearer.

The site is also located on a busy commercial street with activity throughout the day and into the evening. There are commercial units on both sides and the ground floor would remain in commercial use.

Refuse storage would be provided on the ground floor, adjacent to the commercial unit at the side of the building.

The proposed extension will be to the north of 67/69 North Road, where there is an upper floor flat with a window which will be left in a recess. However, the extension is not full width and a 45 degree line demonstrates that the proposal will harm the light or outlook of the neighbouring property.

Parking and Highway Safety

The site is sustainably located within easy walking distance of the various shops and services available within the town centre, and with good public transport links to other parts of the town and destinations further afield.

The LHA do not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The LHA anticipate that the level of traffic generated by the proposed dwelling would be of a similar nature to the existing.

Cycle storage is shown on the plans as being provided at the top of the external stairs which, while not ideal, is adequate. No objection has been raised by WSCC Highways.

Recommendation

Refuse for the reasons:

1. The proposed first floor extension, by reason of its design and appearance, would be prominent and visually harmful to the street scene. The proposal is therefore contrary to policy 15 of the Adur Local Plan and paragraph 130 of the NPPF

2. The proposed development would bring the flats closer to a commercial vehicle repair garage which is likely to result in unacceptable levels of noise and disturbance, detrimental to the residential amenities of future occupiers. The internal layout of the proposed flat is also unsatisfactory in fire safety terms. The proposal is therefore contrary to policies 20 and 34 of the Adur Local Plan and paragraph 185 of the National Planning Policy Framework

Is recommendation contrary to letter(s) of representation N

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it

has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Case Officer: Peter Barnett Date: 15 February 2023

Authorised by: Gary Peck Date: 16 February 2023